

Exhibit 61

Jeffrey Kinrich Deposition Excerpts

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TESLA, INC., A DELAWARE)
CORPORATION,)
)
PLAINTIFF,) CASE NO.
) 3:18-CV-00296-LRH-CBC
vs.)
)
MARTIN TRIPP, AN INDIVIDUAL,)
)
DEFENDANT.)
)
)
MARTIN TRIPP, AN INDIVIDUAL,)
)
COUNTERCLAIMANT,)
)
TESLA, INC., A DELAWARE)
CORPORATION,)
)
COUNTERDEFENDANT.)
)

C O N F I D E N T I A L

(Pursuant to agreement of counsel, the following
transcript has been designated confidential)

EXPERT DEPOSITION OF JEFFREY H. KINRICH
TAKEN THURSDAY, MAY 9, 2019
LOS ANGELES, CALIFORNIA

Depo Dynamics, LLC
(888) 494-3370

Reported by Alejandria E. Kate, C.S.R. No. 11897
Job No. 102342

**Depo Dynamics, LLC
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1 perhaps it would be there's a natural link.

2 Or perhaps another way to say it would
3 just be that my understanding is that's an
4 allowable remedy for the cause of action that's
5 been asserted.

6 I understand those may all be somewhat
7 synonymous, I'm not sure if they're identical.

8 On the third one, we can get into it when
9 we get to it. But I have attempted to rule out
10 other causes, but I do not ultimately conclude that
11 I have -- I know enough or can establish that
12 Mr. Tripp caused the amounts that resulted in the
13 stock price, though it's not inconsistent with
14 that.

15 Q. All right. So you have no opinion as to
16 whether or not the two Business Insider articles
17 harmed Tesla's stock price; is that correct, sir?

18 A. I have no ultimate conclusion in that
19 subject. I have opinions that address portions of
20 that, portions of the causation.

21 For example, I have attempted to rule out
22 certain other things that might, in fact, have been
23 causes before the analysis -- they were ruled out.

24 And so by stripping away other things, you
25 are left with something that the finder of fact

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1 could conclude was causation, but I am not reaching
2 that ultimate conclusion on causation in that third
3 category.

4 Q. Can you please turn to paragraph 11 of
5 your report on page 5.

6 A. Yes.

7 Q. All right. The second sentence in
8 paragraph 11 states:

9 "Additionally, I have been asked
10 to discuss certain aspects of the harm
11 to Tesla caused by Plaintiff's
12 disclosure of confidential information
13 to the press."

14 Did I accurately state that sentence, sir?

15 A. You did.

16 Q. Are you aware that's the only time that
17 the word "cause" appears your report?

18 A. No, but I'm happy to accept your
19 representation of that.

20 Q. So I'm trying to reconcile that sentence
21 that I just read with the testimony that I just
22 received from you.

23 Are you stating in paragraph 11 that you
24 do have an opinion as to whether or not Tesla's
25 stock price -- strike that.

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1 as the stock price, for example.

2 Q. Would you consider your work in this case
3 an event study?

4 A. It's in the same neighborhood, but it
5 is -- because I'm not concluding about causation, I
6 would say it probably isn't quite an event study,
7 but it certainly has some characteristics that are
8 related.

9 Q. I will represent to you, Mr. Kinrich, that
10 the Tesla stock price closed at \$332.10 on June 11.

11 Do you have any reason to dispute that?

12 A. Since I don't know the answer, I have no
13 reason to dispute it no matter what number you gave
14 me.

15 Q. And in this case, you used two specific
16 windows: A window of the last 19 minutes of
17 trading on June 4 and the last 40 minutes of
18 trading on June 6th; is that correct?

19 A. Yes.

20 Q. If the stock price by June 11 was \$332.10,
21 if you used a window of, say, June 4 to June 11,
22 then there would be no damages according to your
23 methodology; is that right?

24 MS. LIBEU: Incomplete hypothetical.

25 You can answer.

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1 C E R T I F I C A T E
2

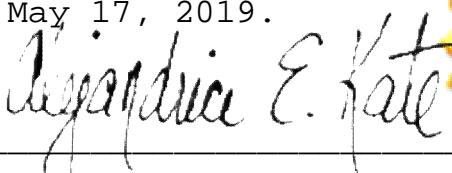
3 I, ALEJANDRIA E. KATE, a certified court
4 reporter in the State of California, do hereby certify:

5 That the foregoing deposition of
6 JEFFREY H. KINRICH was taken before me at the time and
7 place therein set forth, at which time the witness was
8 duly sworn by me;

9 That the testimony of the witness and all
10 colloquy and objections made at the time of the
11 deposition were recorded stenographically by me and
12 thereafter transcribed, said transcript being a true
13 copy of my shorthand notes thereof;

14 I further certify I am neither financially
15 interested in the action nor a relative or employee
16 of any attorney or any of the parties.

17 In witness whereof, I have subscribed my name
18 and signature this date, May 17, 2019.

19 
20



21 ALEJANDRIA E. KATE
22 California Certificate No. 11897
23 Illinois Certificate No. 084.004797
24
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